SIKKIM

GOVERNMENT GAZETTE

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GANGTOK

No. 11(656)L&PAD/2021/09 **Dated: 25.06.2025**

NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received the assent of the Governor on the 12th day of June, 2025 is hereby published for general information:-

THE MANAGEMENT AND INFORMATION TECHNOLOGY UNIVERSITY, SIKKIM ACT, 2024
ACT NO.11 OF 2024

AN
ACT

to provide for the establishment and incorporation of "Management and Information Technology University" will also be known as the "MIT University" in the State of Sikkim, and to confer the status of a Private University thereon and for matters connected therewith and incidental thereto.

Whereas, with a view to provide major boost in terms of academic upliftment in all spheres of knowledge it is essential to impart education in almost all departments including Pharmaceutical Science, Paramedical Science, Education and Physical Education, Management, Commerce, Agriculture Science, Environmental Science, Law, Aviation, Allied Health Science, Basic and Applied Science, Fashion Design and Textile, Fire Safety and Disaster Management, almost all areas including Information Technology, Journalism and Mass Communication, Science, Bio-technology Engineering, Health Care, Arts, Research, Yoga Education, etc. to the youth at their door steps;

And whereas, the Institute of Management & Technical Studies Foundation (IMTS Foundation) of India has been incorporated under the Companies Act, 2013, having corporation no. **U85499UP2023NPL189916** on 26th September, 2023 under Ministry of Corporate Affairs, Government of India, having its registered office at G-38, Sector 3, Noida [Uttar Pradesh].

Now therefore, Institute of Management & Technical Studies Foundation (IMTS Foundation) intends to establish "Management and Information Technology University" will also be known as the "MIT University" in Sikkim with the objective to provide Higher Education with skilled and entrepreneur courses in Sikkim through world class infrastructure and international networking which shall catalyse not only the surrounding region but the State as a whole.

Be it enacted by the Legislature of Sikkim in the Seventy-fifth Year of the Republic of India, as follows:-

CHAPTER I
PRELIMINARY

Short title, extent and commencement. **1.** (1) This Act may be called the "Management and Information Technology University" will also be known as the "MIT University", Sikkim Act, 2024.

(2) It shall extend to the whole of Sikkim.

(3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,-

(a) "Academic Council" means the Academic Council of the University as specified in section 24 of the Act;

(b) "Administrator" means an Administrator appointed by the State Government.

(c) "Annual Report" means the annual report of the University as referred to in section 41 of the Act;

(d) "Affiliation" together with its grammatical variations, includes in relation to an institution of skills education or training establishments, recognition of such institution and training established by the University and association of such institute and training established with the University;

(e) "Board of Management" means the Board of Management of the University as constituted under section 23 of the Act;

(f) "Campus" means the area of the University in which it is established;

(g) "Chancellor" means the Chancellor of the University appointed under section 12 of the Act;

(h) "Credit framework" means the framework, developed by the University, built on measure unit of education, skills and learning credits for a student to achieve the competency for performing a job role successfully or efficiently;

(i) "The Chief Finance and Accounts Officer" means the Chief Finance and Accounts Officer of the University appointed under section 18 of the Act;

(j) "Controller of Examinations" means the Controller of Examinations of the University appointed under section 19 of the Act;

(k) "Constituent College" means a college or an institution maintained by the University;

(l) "Development Fund" means the development fund of the University.

(m) "Education and Training or Information Institution, registered training organization" means an organization recognized by the University;

(n) "Employee" means employee appointed by the University and includes teachers and others staff of the University or of a constituent college;

(o) "Endowment fund" means the endowment fund of the University established under section 37 of the Act;

(p) "Faculty" means group of academic departments of similar disciplines;

(q) "Fee" means monetary collection made by the University from the students for the purpose of any course of study in the University;

(r) "General Fund" means the General fund of the University established under section 38 of the Act;

(s) "Governing Body" means the Governing Body of the University constituted under section 22 of the Act;

(t) "National Assessment and Accreditation Council" means National Assessment and Accreditation Council, Bengaluru, an autonomous institution of the University Grants Commission;

(u) "National Council for Vocational Education and Training" means National Council for Vocational Education and Training established by the Central Government;

(v) "National Skill Qualification Framework" means the qualification assurance framework for skills as notified by the Central Government;

(w) "Prescribed" means prescribed by the Statutes and the Rules made under this Act;

(x) "Pro-Vice-Chancellor" means the Pro-Vice-Chancellor of the University appointed under section 15 of the Act;

(y) "Registrar" means the Registrar of the University appointed under section 17 of the Act;

(z) "Regulatory Body" means a body established by the Government of India for laying down norms and conditions for ensuring academic standards of higher education, such as University Grants Commission, All India Council for Technical Education, National Council for Teacher Education, Bar Council of India, Pharmacy Council of India, National Assessment and

Accreditation Council, Distance Education Bureau, Indian Council of Agriculture Research, Council of Scientific and Industrial Research and includes the Government or any such body constituted by the Government of India or the State Government;

(aa) "Rules" means the rule of the University made under this Act;

(bb) "Schedule" means schedule appended to this Act;

(cc) "Sponsoring Body" in relation to the Management and Information Technology University" will also be known as the "MIT University", Sikkim, means: -

(i) a society registered under Societies Registration Act, 1860, or

(ii) a public trust registered under Indian Trust Act, 1882, or

(iii) a company registered under section 8 under Company Act, 2013 of Ministry of Corporate Affair, Government of India;

(dd) "State Government" means the State Government of Sikkim;

(ee) "Statutes", "Ordinances" and "Regulations" means respectively, the Statutes, Ordinances and Regulations of the University made under this Act;

(ff) "Student of the University" means a person enrolled in the University for taking a course of study for a degree, diploma, or other academic distinction duly instituted by the University, including a research degree;

(gg) "Teacher" means a Professor, Associate Professor, Assistant Professor or such of the other person as may be appointed for imparting instruction or conducting research in the University or in a Constituent College or Institution and includes the Principal of a Constituent College or institution, in conformity with the norms prescribed by the University Grants Commission;

(hh) "Training Centres, Model Skill Centres, Centre of Excellence" means any Skill and Education Training Infrastructure centres established or maintained or recognized by the University;

(ii) "University Grants Commission" means the University Grants Commission established under the University Grants Commission Act, 1956;

(jj) "University" means "Management and Information Technology University" will also be known as the "MIT University", Sikkim established under this Act;

(kk) "Vice-Chancellor" means the Vice-Chancellor of the University appointed under section 13 of the Act;

(ll) "Visitor" means the Visitor of the University referred to in section 10 of the Act;

(mm) "Vocational Education" means such education that prepares a person to work as a technician in a trade, craft, or in support role in professions such as fashion design, accountancy, agriculture, law, paramedical and allied science, etc.

CHAPTER II

ESTABLISHMENT OF UNIVERSITY

Establishment of University.

3. (1) There shall be established a University by the name 'Management and Information Technology University" will also be known as the "MIT University", Sikkim'.

(2) The headquarters of the University shall be within the State of Sikkim and shall be situated at Melli, Namchi District.

(3) The University shall start operations only after the State Government issues the letter of authorization.

(4) The University shall meet the conditions mentioned in the Schedule 'A' of the Act within the stipulated time.

(5) The Governing Body, the Board of Management, the Academic Council, the Chancellor, the Vice-Chancellor, the Pro-Vice-Chancellor, the Registrar, the Teachers, the Chief Finance and Accounts Officer and such other officers or members or authorities so long as they continue to hold such office or membership of the University hereby constitute a body corporate by the name of the University.

(6) The University shall function as a non-affiliating University and they shall not affiliate any college or institute for the conferment of degree, diploma and for grant of certificate to the students admitted therein.

(7) The constituent colleges and institutions of the Sponsoring Body affiliated to and enjoying the privileges of any University immediately before the commencement of this Act shall cease to be affiliated from that University.

(8) "Management and Information Technology University" will also be known as the "MIT University, Sikkim" and shall have perpetual succession and common seal with power subject to the provisions of this Act, to acquire and hold property (through lease), to contract and shall, by the said name sue or be sued.

(9) The University may establish or maintain education and training institution, skill training centres, centre of excellences either by itself or in collaboration with the industries or corporations or industry associations in Sikkim and in other states of Indian Union and outside the country with prior approval of the Central Government.

(10) The University shall not seek any grant-in-aid or other financial assistance from the State Government or the Central Government or any other body or corporation owned or controlled by the State Government or the Central Government:

Provided that, the State Government or the Central Government may provide financial support, through grants or otherwise,-

(a) for research, development and other activities for which other State Government organizations are provided financial assistance, or

(b) for any specific research or programme based activity.

Properties of the University and its Application.

4. (1) On the establishment of the University, the land and other movable or immovable properties acquired, created, arranged, or built by the University for the purpose of the University in the State of Sikkim shall vest in the University, subject to the provisions of this Act.

(2) The land, building and other properties acquired for the University shall not be used for any purpose other than that for which the same is acquired.

(3) The properties, movable or immovable, of the University shall be administered by the Governing Body in such manner as may be provided for by the regulations.

(4) The properties in the name of the University under sub-section (1) shall be applied for meeting the debts and liabilities of the University in the event of winding up or dissolution of the University.

Restrictions and obligations of the University.

5. (1) The tuition fees for professional courses such as Information Technology, Mass Communication, Science, Education, Management, Engineering, Commerce, Law, Pharmaceutical, Education and Physical Education, Yoga and Naturopathy, Social Science and Humanities, Computer Science and Information Technology, Basic and Applied Science, Management and Commerce, Paramedical Science, Agriculture, Aviation, Allied Health Science, Environmental Studies, Fashion Design and Textile, Skill Development and Industry Collaborated all skill related courses etc., in the University shall be determined by the University under the supervision of the Regulatory Body notified by the State Government from time to time.

(2) Admission in the University shall be strictly on the basis of merit. Merit for admission in the University may be determined either on the basis of marks or grade obtained in the qualifying examination and achievements in co-curricular and extra-curricular activities or on the basis of marks or grade obtained in the entrance test conducted at State level either by the University or an association of the Universities conducting similar courses or by any agency of the State Government:

Provided that the admission in professional educational colleges or institutions of the University shall be governed under the provisions of the Regulatory Bodies.

(3) The University shall allow merit scholarship to at least 5 (five) percent of the total strength, to the students belonging to poor and economically backward classes. The relevant criteria for

determining the poor and economically backward classes shall be such as may be determined by the State Government from time to time.

(4) The University shall compulsorily make provisions for reservation of seats for students domiciled in the State of Sikkim to the extent of atleast 25 (twenty-five) percent of the total students in the University. The reservation of seats shall be regulated by the laws and orders notified by the State Government from time to time.

(5) The University shall make provisions for reservation of non-teaching posts in the University for the persons domiciled in the State of Sikkim to the extent of at least 50 (fifty) percent of the total number of non-teaching posts of the University. The reservation of seats shall be regulated by the laws and orders notified by the State Government from time to time.

(6) The University shall appoint adequate number of teachers and officers in the University for maintaining the academic standards specified and shall ensure that the qualifications of such teachers or officers of the University shall not be lower than that prescribed by the relevant Regulatory Bodies.

(7) The University shall compulsorily place in the public domain every information in relation to the University which would be of interest to the students and other stakeholders *inter alia*, including the courses offered, number of seats under different categories, fees and other charges, facilities and amenities offered, faculty in place and such other relevant information.

(8) The Convocations of the University may, for conferring degrees, diplomas or for any other purpose, be held in every academic year in the manner as may be prescribed by the Statutes.

(9) The University shall obtain accreditation from the National Council of Assessment and Accreditation (NAAC) within 3 (three) years of its establishment and such other regulating bodies of Government of India which are connected with the courses taken up by the University and inform the State Government about the grade provided to the University. The University shall get renew such accreditation from time to time.

(10) Notwithstanding anything contained in this Act, the University shall be bound to comply the conditions mentioned in Schedule 'A' of this Act, and all the rules, regulations, norms, of the regulating bodies of Government of India and State Government and provide all such facilities and assistance to such bodies as are required by them to discharge their duties and carry out their functions.

Objectives of the University.

6. The objects of the University shall be to disseminate and advance knowledge and skill by providing instructional, research and extension of facilities and in such branches of learning as it may deem fit and the University shall endeavor to provide to students and teachers the necessary atmosphere and facilities for the promotion of:

(a) innovations in education leading to restructuring of courses, new methods of teaching, training, and learning including online learning, blended learning, continuing education and such other modes and integrated and wholesome development of personality;

(b) studies in various disciplines;

(c) inter disciplinary studies as per New Education Policy, 2020;

(d) national integration, secularism and social equity and international understanding and ethics.

(e) engage and collaborate with industry partners and educational institutions, for establishing training institutions, training centres and center of excellences with the aim of providing workplace training and familiarization with industry best practices;

(f) collaborating with industries for facilitation of on-the-job trainings (OJTs), apprenticeships and job placements;

(g) develop as a hub of skilling activities including – offering skills-based programmes, fostering apprenticeships, on the job trainings and placements, counselling, conducting training of trainers and training of assessors, development of National Skills Qualifications Framework (NSQF) aligned curriculum.

University open to all irrespective of sex, religion, class, colour, creed, or opinion.

7. No person shall be discriminated against or be excluded from any office of the University or from membership of any of its authorities or from admission to any course of study leading to a degree, diploma or other academic distinction on the grounds of sex, race, creed, class, caste, place of birth and religious belief or political or other opinion.

Powers and Functions of the University.

8. The powers and functions of the University shall be:-

(a) to administer and manage the University, establish, administer and manage its constituent colleges and centres for research, education, training, extension and outreach including continuing education, distance and e-learning at its campus within the State of Sikkim;

(b) to provide for research, higher education, professional education, teaching training, extension and outreach including continuing education, and e-learning in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other fields;

(c) to conduct innovative experiments in educational technologies, teaching and learning methods, to collaborate with national and international institutions and to offer joint programmes with such institutes to constantly improve the delivery of education and to achieve international standards of education;

(d) to design the program structures, curricula, credit system, teaching learning methodology, evaluation pedagogy and adopt all measures in respect of study, teaching and research relating to the courses offered by the University, to keep the programs outcome skill based and in line with industry requirement;

(e) to hold examination and confer degree, diploma or grant certificate and other academic distinctions or title on persons subject to such condition as the University may determine and to withdraw or cancel any such degree, diploma or certificates and other academic distinction or titles in the manner prescribed by the Regulations;

(f) to confer honorary degrees or other distinction on the manner prescribed by the Statutes;

(g) to establish schools, centers, institutes, college and conduct the programme and courses of study as are in the opinion of the University, necessary for the furtherance of its objects;

(h) to declare as a constituent college any college, centre, institution imparting education as are in the opinion on the University necessary for the furtherance of its objects or to establish a new constituent college, centre, institution for the purpose within the jurisdiction of the State.

(i) to provide for printing, publication and reproduction of research, educational material and other works and to organize exhibitions, conferences, workshops and seminars;

(j) to establish knowledge resource centre;

(k) to sponsor and undertake research and educational programmes in the fields of science, technology, humanities, social sciences, education, management, commerce, law, pharmacy, healthcare and any other allied areas;

(l) to collaborate or associate with any educational institution with like or similar objects;

(m) to establish campuses including virtual campus for the purpose of achieving the objectives of the University;

(n) to undertake research and to obtain registration in respect of such research in the nature of patents, design rights and such or similar rights with the competent authorities;

(o) to maintain linkages and collaborate with educational or other institutions in any part of the world having objects wholly or partially similar to those of the University, through exchange of students, researchers, faculty and staff and generally in such manner as may be conducive to their common objects;

(p) to render services of research, training, consultancy and such other services as required for the purposes of the University;

(q) to develop and maintain relationships with faculty, researchers, administrators and domain experts in science, technology, humanities, social sciences, education, management, law,

commerce, pharmacy, healthcare and allied area for achieving the objects of the University;

(r) to make special arrangement for women and other disadvantaged students as the University may consider desirable;

(s) to regulate the expenditure and to manage the finances and to maintain the accounts of the University;

(t) to receive funds, movable and immovable properties, equipment, software and other resources from business, industry, other sections of society, national and international organization or any other source by transfers or as gifts, donations, benefactions or bequests for the purposes and objects of the University with proper approval of the State Government;

(u) to establish, maintain and manage halls, hostels for students and quarters for the residence of faculty and staff;

(v) to construct, manage and maintain centres, complexes, auditorium, buildings, stadium for the advancement of sports, cultural, co-curricular and extra-curricular activities;

(w) to supervise and control the residence and regulate the discipline of students, faculty and staff of the University and to make arrangements for promoting their health, general welfare, social and cultural activities;

(x) to fix, demand and receive or recover fees and such other charges as may be prescribed by the Statutes;

(y) to purchase or to take on lease or accept as gifts, bequests, legacies or otherwise any land or building or works which may be necessary or convenient for the purpose of the University and on such terms and conditions as it may think fit and proper and to construct or alter and maintain any such building or works;

(z) to exchange, lease or otherwise dispose of all or any portion of the properties of the University, movable or immovable with prior approval of the State Government, on such terms as it may think fit and consistent with the interest, activities and objects of the University;

(aa) to draw and accept, to make and endorse, to discount and negotiate promissory notes, bills of exchange, cheques and other negotiable instruments;

(bb) to raise and borrow money on bond, mortgages, promissory notes or other obligations or securities founded or based upon all or any of the properties and assets of the University or without any securities and upon such terms and conditions as it may think fit and to pay all expenses out of the funds of the University;

(cc) to define norms of examination or any other measure of assessment of knowledge and competency of a student

including modalities of industry based assessment, industry based projects, internships, on the job training and any related activities of students admitted to the University of institutions of skills education affiliated to it;

(dd) to identify and recognize industries or training centers for the purpose of practical or hands on training of students in skill and to define norms for recognition of competency attained by students in practical training in industry or training centre for the purpose of earning credits;

(ee) to offer Unified Vocational model offering short term training, Industrial Training Institute (ITI) certificate and diplomas, Polytechnic Diplomas, Advanced Diploma, Bachelor of Vocational (B. Voc), Bachelor of Skills (B. Skills), Pre-University qualification equivalent to intermediate education;

(ff) to appoint, either on contract, or otherwise, visiting Professors, Emeritus Professors, Consultants, Fellows, Scholars, Artists, Course Writers and such other person who may contribute to the advancement of the objects of the University;

(gg) to reach out and partner with Central Ministries, State Governments, national bodies, international bodies for accessing funding, grants, resources via applying to various schemes which can help further the objects of the University;

(hh) to provide for the preparation of instruction materials, learning resources, workplace training practices, knowledge repositories, e-learning platforms, digital learning experiences, including films, digital media, video, streaming content, multimedia content, visualization, simulations and other software;

(ii) the convocation of the University shall be held every academic year in the manner, as may be specified by the statutes for conferring degrees, diplomas, awards or for any other purpose.

Bar to Affiliation

9. (1) The University shall not admit any college or institution to the privilege of affiliation.

CHAPTER III
OFFICERS OF THE UNIVERSITY

Officers of the University.

10. The following shall be the officers of the University namely:

(a) The Visitor;

(b) The Chancellor;

(c) The Vice Chancellor;

(d) The Pro-Vice-Chancellor;

(e) Director/Principal;

(f) The Registrar;

(g) The Chief Finance and Accounts Officer;

(h) The Controller of Examinations;

(i) The Dean of Students Welfare;

(j) The Dean of Faculty;

(k) The Proctor; and

(l) Such other officers as may be declared by the Statute to be the officers of the University.

The Visitor.

11. (1) The Governor of Sikkim shall be the Visitor of the University.

(2) The Visitor shall, when present, preside at the convocation of the University for conferring degrees, diplomas, charters, designation and certificates.

(3) The Visitor shall have the right to visit the University or any institution maintained by the University to ensure the standard of education, discipline, decorum and proper functioning of the University.

The Chancellor.

12. (1) The Chancellor shall be appointed by the Sponsoring Body for a period of 5(five) years with the approval of the State Government by following such procedures and on such terms and conditions as may be prescribed. On the expiry of the term, the Chancellor may be reappointed by the Sponsoring Body in consultation with the State Government.

(2) The Chancellor by virtue of his office shall be the head of the University.

(3) The Chancellor shall preside over the meetings of the Governing Body and shall, when the Visitor is not present, preside over the convocation of the University for conferring degrees, diplomas, or other academic distinctions.

(4) The Chancellor may in writing under his hand addressed to the head of the sponsoring body resign his office.

(5) The Chancellor shall have the following powers, namely:-

(a) to call for any information or record;

(b) to appoint the Vice Chancellor;

(c) to remove the Vice Chancellor in accordance with the provisions of this Act; and

such other powers as may be conferred on him by this Act or Statutes made hereunder.

The Vice-Chancellor.

13. (1) The Vice-Chancellor shall be appointed by the Chancellor as per the qualifications prescribed by the University Grants Commission and shall hold office for a period of 5 (five) years.

Provided that after the expiry of the term of 5 (five) years, the Vice Chancellor shall be eligible for re-appointment for another term of 5(five) years:

Provided further that such reappointment shall not exceed 70 (seventy) years of age under any circumstance.

(2) The Vice Chancellor shall be the Principal Executive and Academic Officer of the University and shall exercise general superintendence and control over the affairs of the University and shall execute the decisions of various authorities of the University.

(3) In the absence of both the Visitor and the Chancellor, the Vice-Chancellor shall preside over the convocation of the University.

(4) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred by any authority of the University by or under this Act and shall convey to such authority the action taken by him on such matters:

Provided that if the authority of the University or any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section may prefer an appeal to the Chancellor within 1 (one) month from the date of communication of such decision. The Chancellor may confirm, modify or reverse action taken by the Vice-Chancellor.

(5) The Vice-Chancellor shall exercise such powers and perform such other functions as may be prescribed.

Removal of the Vice-Chancellor.

14. (1) If at any time and after such inquiry as may be considered necessary, it appears to the Chancellor that the Vice-Chancellor,

(a) has failed to discharge any duty imposed upon him by or under this Act, the Statutes, the Ordinances, or

(b) has acted in a manner prejudicial to the interests of the University; or

(c) is incapable of managing the affairs of the University, then the Chancellor may, notwithstanding the fact that the term of office of the Vice-Chancellor has not expired, require the Vice-Chancellor, by an order in writing stating the reason therefore, to resign from his post from the date as may be specified in the order.

(2) No orders under sub-section (1) shall be passed unless a notice stating the specific grounds on which such action is proposed, has been served and a reasonable opportunity to show cause against the proposed order has been given to the Vice-Chancellor.

The Pro-Vice-Chancellor.

15. (1) The Pro-Vice-Chancellor shall be appointed by the Chancellor in such manner and shall exercise such powers and perform such functions as may be prescribed.

(2) The Pro-Vice-Chancellor appointed under sub-section (1) shall discharge his duties in addition to his duties as a Professor.

(3) The Pro-Vice-Chancellor shall assist the Vice-Chancellor in discharging his duties as and when required by the Vice-Chancellor.

(4) The Pro-Vice-Chancellor shall get honorarium of such amount as may be determined by the Sponsoring Body.The Director or Principal shall be appointed in such manner and shall exercise such powers and perform such functions as may be prescribed.

The Registrar.

17. (1) The Registrar shall be appointed by the Chairperson of the Sponsoring Body in such manner, as may be specified in the Statutes. The Registrar shall possess the qualifications prescribed by the University Grants Commission.

(2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such other power and perform such other functions as may be prescribed.

(3) The Registrar shall be the ex officio Member Secretary of the Executive Council and the Academic Council but shall not have a right to vote.

The Chief Finance and Accounts Officer.

18. (1) The appointment of the Chief Finance and Accounts Officer shall be made by the Chairperson of the Sponsoring Body in such manner as may be specified by the Statutes.

(2) The Chief Finance and Accounts Officer shall exercise such powers and perform such duties as may be specified by the Statutes.

The Controller of Examination.

19. (1) The Controller of Examinations shall be whole time officer of the University and shall be appointed by the Chancellor in accordance with the Statutes.

(2) It shall be the duty of the Controller of Examinations:-

(a) to conduct examinations in a disciplined and efficient manner;

(b) to arrange for the setting of question papers with strict regards to secrecy;

(c) to arrange for the evaluation of answer sheets in accordance with the planned time schedule for results;

(d) to constantly review the system of examinations in order to enhance the level of impartiality and objectivity with a view to make it better instrument for assessing the attainments of students;

(e) to deal with any other matter connected with examinations which may, from time to time be assigned to him by the Vice-Chancellor.

Other Officers.

Manner of appointment and power and duties of the other officers of the University including the Dean of Students Welfare, Dean of Faculty, and Chief Proctor shall be such as may be prescribed.

CHAPTER IV
AUTHORITIES OF THE UNIVERSITY

Authorities of the University.

21. The following shall be the authorities of the University, namely:-

(a) The Governing Body;

(b) The Board of Management;

(c) The Academic Council;

(d) The Finance Committee;

(e) The Planning Board; and

(f) Such other authorities as may be declared by the Statutes to be the authorities of the University;

The Governing Body.

22. (1) The Governing Body shall have the following members, namely:

(a) The Chancellor;

(b) The Vice-Chancellor;

(c) The Secretary to the Government, in the Education Department, Government of Sikkim or his nominee;

(d) 5 (Five) persons nominated by the Sponsoring Body, out of which 2 (two) shall be eminent educationists;

(e) One expert of management or technology from outside the University, nominated by the Chancellor; and

(f) One expert of finance, nominated by the Chancellor.

(2) The Governing Body shall be the supreme authority and principal Governing Body of the University. It shall have the following powers, namely: -

(a) to provide general superintendence and directions and to control the functioning of the University by using all such powers as are provided by this Act, Statutes, Ordinances, Regulations or Rules;

(b) to review the decisions of other authorities of the University in case they are not in conformity with the provisions of the Act, Statutes, Ordinances, Regulations or Rules;

(c) to approve the budget and annual report of the University;

(d) to lay down the extensive policies to be followed by the University;

(e) to recommend to the Sponsoring Body for the dissolution of the University if a situation arises when there is no smooth functioning of the University in spite of best efforts; and

(f) such other powers as may be specified by the Statutes.

(3) The Governing Body shall meet at least 3 (three) times in a calendar year.

(4) The quorum of the meeting shall be four:

Provided that the Secretary to the Government, Department of Higher and Technical Education, Sikkim, or in his absence, Director, Higher Education shall be present in each meeting in which decisions on issues involving Government policies or instructions are to be taken.

The Board of Management.

23. (1) The Board of Management shall consist of the following members, namely: -

(a) The Vice-Chancellor;

(b) The Secretary to the Government in the Education Department, or his nominee;

(c) 2 (Two) members of the Governing Body, nominated by the Sponsoring Body;

(d) 3 (Three) persons, who are not the members of the Governing Body, nominated by the Sponsoring Body;

(e) 3 (Three) persons, from amongst the teachers, nominated by the Sponsoring Body;

(f) 2 (Two) teachers, nominated by the Vice-Chancellor.

(2) The Vice-Chancellor shall be the Chairperson of the Board of Management.

(3) The powers and functions of the Board of Management shall be such as may be specified by the Statutes.

(4) The quorum for the meeting of the Board of Management shall be five:

Provided that the Secretary to the Government, Education Department, Sikkim, or in his absence, Director, Higher Education shall be present in each meeting in which decisions on issues involving Government policies or instructions are to be taken.

The Academic Council.

24. (1) The Academic Council shall consist of the Vice-Chancellor and such members as may be specified by the Statutes.

(2) The Vice-Chancellor shall be the Chairperson of the Academic Council.

(3) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, Statutes, Ordinances, Regulations or Rules, coordinate and exercise general supervision over the academic policies of the University.

(4) The quorum for meetings of the Academic Council shall be such as may be specified by the Statutes.

The Finance Committee.

25. (1) The Finance Committee shall be the principal financial body of the University to take care of the financial matters. Functions of the Finance Committee shall be such as may be prescribed.

The Planning Board.

26. (1) The Planning Board shall be the principal planning body of the University and shall ensure that the infrastructure and academic support system meets the norms of the University Grants Commission or the respective Councils.

(2) The constitution of the planning board, term of office of its members and its power and functions shall be such as may be prescribed.

Other Authorities.

27. The constitution, powers and functions of other authorities of the University, shall be such as may be prescribed.

Disqualification for membership of an authority or body.

28. A person shall be disqualified from being a member of any of the authorities or bodies of the University, if he;

(a) is of unsound mind and stands so declared by a competent court;

(b) is an undischarged insolvent;

(c) has been convicted of any offence involving moral turpitude;

(d) has been punished for indulging or in promoting unfair practice in the conduct of any examination, in any form, anywhere.

(e) is unfit to hold the post, in such case the Governing Body shall form an opinion in writing that such member is unfit.

Vacancies not to invalidate the constitution of, or the proceedings of any authority or body of University.

29. No act or proceedings of any authority of the University shall be invalid merely by reason of any vacancy or defect in the constitution of any authority or body of the University.

Constitution of Committees.

30. The authorities of the University may constitute such committee with such terms of reference as may be necessary for specific tasks to be performed shall be such as may be prescribed by the Statutes.

CHAPTER V

STATUTES, ORDINANCE AND REGULATIONS

First Statute.

31. (1) Subject to the provisions of this Act, and the rules made thereunder, the First Statutes may provide for all or any of the following matters, namely:-

(a) the constitution, powers and functions of the authorities and other bodies of the University as may be constituted from time to time;

(b) the terms and conditions of appointment of the Chancellor, the Vice-Chancellor and their powers and functions;

(c) the manner and terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer, their powers and functions;

(d) the manner and terms and conditions of appointment of other officers and teachers and their powers and functions;

(e) the terms and conditions of service of employees of the University;

(f) the procedure for arbitration in cases of disputes between employees or students and the University;

(g) the conferment of honorary degrees;

(h) the provisions regarding exemption from payment of tuition fee and awarding scholarships and fellowships to the students;

(i) framing of policy for admission, including regulation of reservation of seats; and

(j) fees to be charged from students.

(2) The First Statutes of the University shall be made by the Governing Body and shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Statutes, submitted by the University and shall approve it within 60 (sixty) days from the date of its receipt, with or without modifications as it may deem necessary.

(4) The University shall communicate its agreement to the First Statutes as approved by the State Government, and if it desires not to give effect to any or all the modifications made by the State Government under sub-section (3), it may give reasons thereof and after considering such reason, the State Government may or may not accept the suggestions made by the University.

(5) The State Government shall publish the First Statutes, as finally approved by it, in the Official Gazette, and thereafter it shall come into force from the date of such publication.

Subsequent Statutes.

32. (1) Subject to the provisions of this Act and the rules made hereunder, the subsequent Statutes of the University may provide for all or any of the following matters, namely:-

(a) creation of new authorities of the University;

(b) accounting policy and financial procedure;

(c) representation of teachers in the authorities of the University;

(d) creation of new departments and abolition or restructuring of existing departments;

(e) institution of medals and prizes;

(f) procedure for creation and abolition of posts;

(g) revision of fees;

(h) alteration of the number of seats in different disciplines; and

(i) all other matters which by or under the provision of this Act required to be prescribed by the Statutes.

(2) The Statutes of the University other than the First Statutes shall be made by the Board of Management with the approval of the Governing Body.

(3) The Statutes made under sub-section (2) shall be submitted to the State Government and it may approve or, if considers necessary, give suggestions for modification as far as possible within 2 (two) months from the date of receipt of the Statutes.

(4) The Governing Body shall consider the modifications suggested by the State Government and return the Statutes to it with its agreement to such changes or with its comments on the suggestions made by the State Government.

(5) The State Government shall consider the comments of the Governing Body and may approve the Statutes with or without modifications and it shall be published by it in the Official Gazette, and shall come into force from the date of such publication.

First Ordinance. **33.** (1) Subject to the provisions of this Act, the rules and the Statutes made hereunder, the First Ordinances may provide for all or any of the following matter, namely:-

(a) the admission of students to the University and their enrolment as such;

(b) the courses of study to be laid down for degrees, diplomas and certificates of the University;

(c) the award of degrees, diplomas, certificates and other academic distinctions, the minimum qualifications for the same;

(d) the conditions for award of fellowships, scholarships, stipends, medals and prizes;

(e) the conduct of examinations, including the terms of office and manner of appointment and the duties of examining bodies examiners and moderators;

(f) fees to be charged for the various courses examinations, degrees or diplomas of the University;

(g) the conditions of residence of the students of the University;

(h) provision regarding disciplinary action against the students;

(i) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;

(j) the manner of co-operation and collaboration with other Universities and institutions of higher education;

(k) such other matters which are required to be provided by the Ordinances by or under this Act.

(2) The First Ordinances of University shall be made by the Chancellor which after being approved by the Board of Management, shall be submitted to the State Government for its approval.

(3) The State Government shall consider the First Ordinance submitted by the Chancellor under sub-section (2) within 60(sixty) days from the date of its receipt and may approve it or give suggestions for modifications therein.

(4) The Chancellor shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the First Ordinances along with such reasons, if any, to the State Government and on receipt of the same, it shall consider the comments of the Chancellor and may approve the First Ordinances of the University with or without such modifications and it shall be published by the State Government in the Official Gazette, and it shall come into force from the date of such publication.

Subsequent Ordinances.

34. (1) All Ordinances other than the First Ordinances shall be made by the Academic Council which after being approved by the Governing Body shall be submitted to the State Government for its approval.

(2) The State Government shall consider the Ordinances submitted by the Academic Council under sub-section (1) as far as possible within two months from the date of its receipt and may approve it or give suggestions for modifications therein.

(3) The Academic Council shall either modify the Ordinances incorporating the suggestion of the State Government or give reasons for not incorporating any of the suggestions made by the State Government and shall return the Ordinances along with reason, if any, to the State Government and on receipt of the same, it shall consider the comments of the Academic Council and may approve the Ordinances with or without modifications and it shall be published by it in the Official Gazette, and shall come into force from the date of such publication.

Regulations.

35. The authorities of the University may, subject to the prior approval of the Governing Body make Regulation, consistent with this Act, the Statutes and the Ordinances made thereunder, for the conduct of business of the each such authority and committee constituted by each such authority.

Powers of the State Government to give directions.

36. (1) The State Government may, for the purpose of ascertaining the standards of teaching, examination and research or any other matter relating to the University, cause an assessment to be made in such manner as may be prescribed, by such person or persons as it may deem fit.

(2) The State Government shall communicate its recommendations to the University on the basis of such assessment for corrective action. The University may adopt such corrective measures and make efforts so as to ensure the compliance of the recommendations.

(3) The State Government may give such directions as it may deem fit if the University fails to comply with the recommendation made under sub-section (2) within a reasonable time. The directions given by the State Government shall be immediately complied by the University.

Power to amend.

37. The power to amend any provisions of the Act shall vest with the State Government through the State Legislative Assembly.

CHAPTER VI
FUNDS OF UNIVERSITY

Endowment Fund.

38. (1) The Sponsoring Body shall establish an Endowment Fund for the University with an amount of Rs. 2,00,00,000/- (two crores), which shall be pledged to the Government of Sikkim.

(2) The Endowment Fund shall be used as security deposit to ensure that the University complies with the provisions of this Act and functions as per the provisions of this Act, the Statutes and the Ordinances. The State Government shall have the power to forfeit, a part or whole of the Endowment Fund in case the University or the Sponsoring Body contravenes the provisions of this Act, Statutes, the Ordinances, the Regulations or the Rules made hereunder.

(3) The University may utilize the income from the Endowment Fund for the development of infrastructure of the University and not to meet the recurring expenditure of the University.

(4) The amount of Endowment Fund may be invested in such instruments as the Government may prescribe and kept invested until the dissolution of the University.

(5) In case of investment in long term security, the certificates of the securities shall be kept in the safe custody of the Government and in case of deposit in the interest-bearing Personal Deposit account in the Government Treasury, deposit shall be made with the condition that the amount shall not be withdrawn without the permission of the Government.

General Fund.

39. (1) The University shall establish a fund, which shall be called the General Fund to which the following shall be credited, namely:

(a) fees and other charges received by the University;

(b) any contribution made by the Sponsoring Body;

(c) any income received from consultancy and other work undertaken by the University in pursuance of its objective;

(d) trusts, bequests, donations, endowments and any other grants; and

(e) all other sums received by the University.

(2) The General Fund shall be utilized for the following objects, namely:

(a) for the repayment of debts including interest charges thereto incurred by the University for the purposes of this Act and the Statutes, the Ordinances, the Regulations, and the Rules made thereunder with the prior approval of the Governing Body;

(b) to upkeep the assets of the University;

(c) for the payment of the fee for audit of the funds created under sections 37 and 38;

(d) to meet with the expenses of any suit or proceedings by or against the University;

(e) for the payment of salaries, allowances, provident fund contributions, gratuity and other benefits to officers, employees, and members of the teaching and research staff;

(f) for the payment of travelling and other allowances of the members of the Governing Body, the Executive Council, the Academic Council, other authorities and the members of any committee appointed by any of the authority or the Chairperson of the Sponsoring Body or the Chancellor;

(g) for the payment of fellowships, free-ships, scholarships, assistantships and other awards to the students belonging to economically weaker sections of the society or research associates, trainees or, as the case may be, in any student otherwise eligible for such awards under the Statutes, the Ordinances, the Regulations or the Rules;

(h) for the payment of any expenses incurred by the University in carrying out the provisions of Act, Statutes, the Ordinances, the Regulations or the Rules;

(i) for the payment of cost of capital, not exceeding the prime lending rate from time to time of the State Bank of India, incurred by the Sponsoring Body for setting up the University and the investments made therefore;

(j) for the payment of charges and expenditure relating to the consultancy work undertaken by the University in pursuance of this Act, Statutes, the Ordinances, the Regulations or the Rules;

(k) for the payment of any other expenses including service fee payable to any organization charged with the responsibility of providing any specific service, including the managerial services to the University, on behalf of the Sponsoring Body, as approved by the Governing Body to be an expense for the purposes of the University:

Provided that no expenditure shall be incurred by the University in excess of the limits for total recurring expenditure and total non-recurring expenditure for the year, as may be fixed by the Governing Body, without prior approval of the Governing Body.

Maintenance of Fund.

40. The funds established under section 38 and 39 shall, subject to general supervision and control of the Governing Body, be regulated and maintained in such manner as may be prescribed.

CHAPTER VII

ACCOUNTS, AUDIT AND ANNUAL REPORT

Annual Report.

41. The Annual Report of the University shall be prepared by the University which shall include among other matters, the steps taken by the University towards the fulfillment of its objects and shall be submitted to the State Government after the closing of each financial year.

Audit and Annual Accounts.

42. (1) The annual accounts including balance sheet of the University shall be prepared by the University and the annual accounts shall be audited at least once in every year by the auditors appointed by the University for this purpose.

(2) A copy of the annual accounts together with the audit report shall be submitted to the State Government after the closing of each financial year.

CHAPTER VIII

WINDING UP OF UNIVERSITY

Winding up of the University.

43. (1) If the Sponsoring Body proposes to dissolve itself according to the provisions of law, governing its constitution or incorporation; it shall record reasons thereof and give at least 5 (five) years' prior notice to the State Government.

(2) Notwithstanding, anything contained in the provisions of this Act, where the Sponsoring Body intends to wind up the University, the winding up process thereunder shall be as follows:

(a) resolution to be passed by the Sponsoring Body that it intends to wind up and halt operations of the University; and

(b) after the passage of the resolution as described in sub-section (2) (a) of section 43, a notice will thereafter be issued by the Sponsoring Body to the Government, 5 years prior to cessation of operations;

(c) the Sponsoring Body shall halt intake of fresh admissions, upon passage of resolution under sub-section (2)(a) of Section 43, and issuance of notice under sub-section (2)(b) of Section 43; and

(d) pursuant to which the Sponsoring Body/University upon completion of syllabus of the last batch of students admitted in the University; and in addition to the passage of 5 years since the notice period, the State Government shall thereafter make arrangements as may be necessary, for handing over the administration of the University for the purposes of completing the winding up process:

Provided that, upon taking over of administration from the Sponsoring Body in the manner as provided for under clause (d) of sub-section (2), the State Government may appoint an administrator in place of the Sponsoring Body, who shall be entrusted with the powers, duties and functions of the Sponsoring Body, as prescribed under the Act.

Provided further that in the event of winding up of the University there remains any debts or liabilities exceeding the valuation of the movable and immovable properties of the University, the said outstanding debts and liabilities shall vest upon the Sponsoring Body.

Dissolution of the University.

44. (1) The Sponsoring Body who intends to dissolve the University, shall give notice to the effect in the manner as prescribed under (2)(a) to (d) of section 43 of the Act.

(2) Subject to the laws prevalent in the State of Sikkim, where upon the dissolution up of the University, there remains, after the satisfaction of all its debts and liabilities any property whatsoever, the same shall vest upon the Sponsoring Body.

Provided that in the event of dissolution of the University there remains, any debts or liabilities exceeding the valuation of the movable and immovable properties of the University, the said outstanding debts and liabilities shall vest upon the Sponsoring Body.

SCHEDULE A

(1) Acquire not less than 10 acres of land for its main Campus, within five years after starting the functioning of the University. An integrated campus may have certain facilities in common such as auditorium, cafeteria, hostels, etc. Hence the land requirement may vary accordingly.

(2) Construct administrative building of at least 1,000 square metres, academic building including library, lecture theatres, laboratories of at least 10,000 square meters, adequate residential accommodations for teachers, guest houses, hostels which shall gradually be increased to accommodate at least 25% of the total student strength in each course within 5 years of its coming into existence. In case the University is conducting professional programmes of study, prevailing norms and standards of respective statutory body shall be applicable. Existing institutes must undertake expansion/renovation/restructuring to meet the prescribed norms of the State Government.

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